

CHAPTER 13 - WASTEWATER

ARTICLE 13-1 WASTEWATER DISPOSAL

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Section 13-1-1 Purpose

The intent of this chapter is to protect the health, safety and welfare of the citizens of Sedona from any unsanitary condition caused by a septic or other sewage-disposal system constructed, operated or maintained in violation of law. It is the intent to provide for the collection and treatment of sewage in those areas of the city determined by the council to be: (1) in immediate need of such facilities; (2) determined to be environmentally necessary; and (3) where such service is economically feasible. It is further the intent that individual sewage-disposal systems should connect with the city wastewater system once the system is available, and wastewater treatment and disposal capacity is adequate.

Section 13-1-2 Definitions

In this chapter, unless the context otherwise requires:

- A. "Area to be sewerred" means an area of the city that the council determines shall be connected to the city wastewater system.
- B. "Capacity fee" means the fee charged by the city to connect to the wastewater system and thus receive an allocation of wastewater treatment and disposal capacity.
- C. "Collector cluster system" means pipelines or conduits, excluding house sewers, for collecting and conducting wastewater to a point or points of treatment or disposal from two or more residents, apartment units, condominiums or businesses.
- D. "Department" means the Arizona Department of Environmental Quality.
- E. "Economically feasible" means a determination by the council, pursuant to this chapter, that extension of the city wastewater system to such area is financially feasible.
- F. "Environmentally necessary" means a determination by the council, pursuant to this chapter, that a public health hazard exists or may exist from the pollution of, or from the reasonable probability of pollution of, surface waters or groundwater.

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- G. "ERU" or "equivalent residential unit" means the base unit allocated to a single family residential structure for the wastewater system capacity it uses, currently measured at 200 gallons per day.
- H. "Individual sewage-disposal system" means a privately-owned residential or commercial wastewater treatment system.
- I. "Monthly service fee" means the fee charged each month for use of the wastewater system.
- J. "Non-residential use" means any land use other than single family residences, apartments, condominiums or multi-unit residential buildings.
- K. "Office" means the Sedona Office of Wastewater Management.
- L. "Pollution" means such contamination or other alteration of the physical, chemical or biological properties of any waters or such discharge of any liquid, gaseous or solid substance into any waters, onto or under any land as will or is likely to create a public health hazard or environmental nuisance or render such waters or land harmful or injurious to public health, safety or welfare to domestic, commercial, industrial, agricultural, recreational or other lawful beneficial uses, or to livestock, wildlife, birds, fish or other aquatic life.
- M. "Septage hauler" means any person or business entity engaged in pumping wastes from individual wastewater disposal systems or in transporting septage.
- N. "Septic tank" means a receptacle which receives raw sewage and which is designed, constructed and installed to city and state standards to prevent leakage, to retain settleable solids and to discharge sewage liquids into an absorption field, seepage pit, evapo-transpiration bed or a wastewater collection system.
- O. "Sewer availability" means that the city wastewater system exists in a street or easement adjacent to a real property or adjacent to a private wastewater collection system serving that real property or adjacent to the point of access to a real property, the city wastewater system is ready for connection, and wastewater treatment and disposal capacity is adequate for the proposed connection, subject to any state or federal consent order or judgment.
- P. "Sewer connection agreement" means a notarized statement, on a form provided by the city, which a property owner shall sign prior to obtaining a city building permit for any new structure or for any modification to an existing structure or change of use of a structure which could affect wastewater disposal requirements or the public health and safety. The statement shall contain those terms and conditions required by law to allow recordation as a covenant running with the land.

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- Q. "SDG system" means a small diameter gravity system which accepts the effluent from septic tanks in small diameter sewer pipes and wastewater runs in pipes by gravity without the aid of a pump to the city wastewater system.
- R. "standard gravity system" means a collection system that accepts all of the wastewater generated on a property except for special pretreatment which may be required by the city, such as grease removal or volatile or toxic wastes removal.
- S. "STEP system" means a septic tank effluent pumping collection system which uses a pump and reservoir tank to pump the effluent from a private septic tank to the city wastewater system.
- T. "Wastewater" means a combination of water-carried wastes from residences, institutions, public and private business buildings, mobile homes, motor homes, trailers and other places of human habitation, employment or recreation. For the purpose of this chapter, wastewater does not include storm water.
- U. "Wastewater system" (also city wastewater system) means pipelines or conduits, pumping stations, force mains, wastewater treatment plant, disposal field, lagoon, pumping stations, incinerator, wetlands and all other treating devices, appurtenances and facilities for collecting and conducting wastewater to a point of treatment and disposal constructed or operated by the city.
- V. "Waters within the city" means all streams, lakes, ponds, marshes, drainage systems, aquifers and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the corporate limits of the city.

Section 13-1-3 General Considerations

- A. No wastewater shall be permitted to flow into waters within the city or upon or under any lands within the city in any manner detrimental to the quality of the receiving waters or lands or prejudicial to the health, safety or welfare of persons as provided by law.
- B. The provisions of this chapter shall be applicable to any building, structure or property situated within the city, including that which may be owned, leased, controlled, operated or occupied by the United States, the state, the county, a school district or by any public or quasi-public agency, corporation or association.

Section 13-1-4 Nonliability of City for Wastewater Collection Service

The city shall not be held liable for not providing wastewater collection service to any part of or throughout the city or for the discontinuance of service.

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ARTICLE 13-2 OFFICE OF WASTEWATER MANAGEMENT

- 13-2-1 Office Established; Director
- 13-2-2 Purpose of Office
- 13-2-3 Powers and Duties of Director
- 13-2-4 Additional Powers and Duties of Director

Section 13-2-1 Office Established; Director

The office of wastewater management is hereby established. The office shall be headed by a director and shall operate under the authority and direction of the city manager and council.

Section 13-2-2 Purpose of Office

The office shall operate the city wastewater system and shall administer the regulations pertaining to said system. The office shall also function as the environmental agency of the city, as authorized by state law or city regulation.

Section 13-2-3 Powers and Duties of Director

- A. In order to fulfill the duties of the position, the director shall:
 - 1. Direct the planning, construction and operation of the city wastewater system;
 - 2. Enforce the standards, rules and regulations of the city wastewater system;
 - 3. Enforce all state and local environmental requirements relating to wastewater disposal to the full extent allowed by law.
- B. To fulfill his duty, the director shall:
 - 1. Approve or disapprove of the design of, issue or deny permits for, and conduct inspections of all connections, direct or indirect, to the city wastewater system, all in accordance with this chapter, any permits applicable to the city wastewater system, and the terms of any federal or state consent order or judgment then in effect.
 - 2. Specify those substances, materials, waters or wastes that are prohibited from entering the city wastewater system; establish the permissible limits of concentration for various other substances, materials, waters or wastes permissible for discharge into the city wastewater system.

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3. Discontinue wastewater collection and treatment service to any premises that are in violation of this chapter, state or federal regulation, or consent order or judgment, including physically cutting or blocking the building connection, pursuant to all legal requirements for notice and hearing prior to any discontinuance; restore such service after the violation has been discontinued or eliminated and charge a reasonable fee for disconnecting and reconnecting the premises to the city wastewater system.
4. Pursuant to all legal requirements for notice and entry upon private property, enter upon the premises of any person at any reasonable hour, upon presentation of credentials, to inspect to determine whether any connection or discharge to the city wastewater system is in violation of this chapter or of any federal, state or local standard, regulation or federal or state consent order and judgment, or whether any site condition constitutes an environmental nuisance.
5. If an environmental nuisance or any other violation exists, order the owner or occupant at the expense of the owner or occupant to eliminate the nuisance or abate the violation within twenty-four hours unless public health, welfare or safety requires immediate action. The order may be given to the owner or occupant personally or left at the residence or place of business of the owner or occupant.
6. Pursuant to all legal requirements for notice and entry upon private property, enter upon the premises of any person at any reasonable hour, upon presentation of credentials, in order to abate an environmental nuisance or any violation of state or local standard, regulation or federal or state consent order and judgment.
7. Decide questions that may arise concerning the supervision and administration of wastewater disposal which are not fully covered by the provisions of this chapter. Such decisions may be appealed to the council.

Section 13-2-4 Additional Powers and Duties of the Director

- A. The director shall promulgate all necessary regulations of the city wastewater system, subject to review and approval by council.
- B. In order to assist in identifying those areas of the city in immediate need of wastewater collection and treatment service and to protect the public health and safety, the director of the office shall compile, to the extent necessary, data to determine whether it is environmentally necessary to extend the wastewater system to additional areas, including:
 1. A master list and map of:

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- a. State, county or city compliance inspections of private, individual sewage-disposal systems, including those systems utilizing alternate technology under the jurisdiction of the department.
 - b. Failures of private, individual sewage-disposal systems which are reported to the city or to state or county agencies.
 - c. Enforcement or abatement actions taken by city, county or state authorities against private, individual sewage-disposal systems not in compliance with law.
 - d. Pumping of private, individual sewage-disposal systems, as reported monthly to the city or to the state by septage haulers operating within the city.
 - e. Any other site-specific data, such as, but not limited to, population density and transmissivity of terrain.
2. Collect and maintain copies of water quality sampling of surface waters and groundwater available to the city from public or private sources. The director will monitor and map any changes in water quality by area of the city.
 3. Analyze the data on water quality sampling and on the status of individual sewage-disposal systems (a privately-owned residential or commercial wastewater treatment system) in an area not yet served by the city wastewater system and present conclusions based upon the data to the city manager and council to show whether it is environmentally necessary to determine that an area is in need of extension of the city wastewater system. The director may recommend to the city manager and council a ranking of areas not yet served according to environmental priority.
- C. In order to assist in determining whether it is economically feasible to extend the city wastewater system to an area identified as environmentally necessary for future connection, the director shall:
1. Determine whether the extension to serve a particular area should be a conventional gravity sewer or an alternative conveyance system, such as a small diameter gravity system or a septic tank effluent pumping (STEP) system;
 2. Prepare an economic analysis of the costs of extension of the city wastewater system, according to the various engineering alternatives;
 3. Calculate the anticipated revenues from capacity charges, monthly user service charges, development impact fees and other sources of revenue;

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- 4. Present the economic analysis of the costs of extension and of anticipated revenues to the city manager or council.
- D. The director may require that some or all the information set forth in subsections B and C of this section be provided by the applicant who is requesting an extension of the city wastewater system to serve a particular area of the city.
- E. The director shall ensure that all required federal, state and local public notice and public participation procedures are followed in connection with any necessary public hearings.
- F. Compile and prepare annually a detailed financial statement of the costs of operation and maintenance of the city wastewater system in anticipation of or in conjunction with the annual city budget process.

ARTICLE 13-3 WASTEWATER COMMISSION (RESERVED)

ARTICLE 13-4 DETERMINATION OF AREAS TO BE SEWERED; EXTENSIONS TO CITY WASTEWATER SYSTEM

- 13-4-1 Property Owners Right to Petition for an Extension of the City Wastewater System
- 13-4-2 Identification of Areas Where It Is Environmentally Necessary to Provide City Wastewater Collection and Treatment Service
- 13-4-3 Identification of Areas Where It Is Economically Feasible to Extend the City Wastewater System
- 13-4-4 Determination of an Area to be Sewered
- 13-4-5 Instruction to City Manager to Implement Extensions
- 13-4-6 Extension of City Wastewater System to Serve Users Outside the City

Section 13-4-1 Property Owners' Right to Petition for an Extension of the City Wastewater System

Upon payment of \$1,000 fee for analysis and administration, property owners in an area not yet sewered may petition the council for a determination of whether it is both environmentally necessary and economically feasible to extend the city wastewater system into said area. The director may only accept those applications that are, in his opinion, in full compliance with the requirements of Section 13-2-4.

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Section 13-4-2 Identification of Areas Where It Is Environmentally Necessary to Provide City Wastewater Collection and Treatment Service

Based on the data organized by the director as specified in Section 13-2-4 of this chapter, the city manager shall recommend in writing to the council those areas where, in his opinion, it is environmentally necessary to consider extending the city wastewater system. The city manager shall include with his recommendations the supporting data upon which his recommendation is based. The council shall accept or reject the analysis and recommendation or modify the recommendation as deemed necessary or refer the analysis and recommendation back to the city manager for further study with instructions indicating areas of concern or deficiency.

Section 13-4-3 Identification of Areas Where It Is Economically Feasible to Extend the City Wastewater System

- A. In order to determine whether it is economically feasible to extend the city wastewater system to an area identified as environmentally necessary for future connection, the director shall determine whether the extension should be a conventional gravity sewer or an alternative conveyance system, such as a small diameter gravity system or a septic tank effluent pumping (STEP) system. Thereafter, the director shall prepare an economic analysis of the costs of extension of the city wastewater system according to the various engineering alternatives. The analysis shall include the anticipated revenues from user service charges, capacity charges, development impact fees and other sources of revenue.
- B. The director shall present the analysis along with his conclusions as to whether it is economically feasible to extend city wastewater service to an area to the city manager. The city manager shall review such analysis and may return it to the director with specific comments or recommendations requesting further study or modifications or may forward it to the council as presented by the director or modified as deemed necessary.
- C. The council shall accept or reject the analysis and recommendation or modify the recommendation as deemed necessary or refer the analysis and recommendation back to the city manager for further study with instructions indicating areas of concern or deficiency.

Section 13-4-4 Determination of an Area to be Sewered

The council shall review the recommendations of the director and the city manager concerning whether it is environmentally necessary and economically feasible to extend the city wastewater system to an additional area and make a determination. A council decision shall be supported by a ranking of areas according to environmental or economic priority for extension of the city wastewater system provided by the director. If the council determines that it is environmentally necessary and economically feasible to

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extend the city wastewater system to an additional area, the city manager shall be instructed to proceed to implement such extension.

Section 13-4-5 Instruction to City Manager to Implement Extensions

Once the council has instructed the city manager to implement an extension to the city wastewater system, the property owner shall pay all costs necessary to design and construct the extensions. This connection shall include all portions of any collection system necessary to collect wastewater effluent from each parcel or structure and shall be in full compliance with the city specifications.

Section 13-4-6 Extension of City Wastewater System to Serve Users Outside the City

The city shall have no obligation to extend wastewater collection service or to provide wastewater treatment or reserve capacity for users outside the city. However, in the event the city wastewater system has sufficient capacity to permit additional connections to be made, the city may allow connections and may enter into agreements with governmental entities or private parties to provide service subject to agreement upon fees. Such agreements shall be approved by the council.

ARTICLE 13-5 CONNECTIONS TO WASTEWATER SYSTEM

13-5-1	Private Sewage Disposal Systems Prohibited; Exceptions
13-5-2	Reserved
13-5-3	Notice of Sewer Availability
13-5-4	Mandatory Connection to City Wastewater System Once Available
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13-5-6	Property Owner and User's Responsibility Capacity Fee
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13-5-9	Procedure and Penalties for Failure to Pay Capacity Fee
13-5-10	Dry Sewers
13-5-11	Current Capacity Fee Schedule

Section 13-5-1 Private Sewage Disposal Systems Prohibited; Exceptions

- A. All wastewater discharge shall be connected with the city wastewater system, once there is sewer availability, except temporary portable toilets approved by the city. It is unlawful to construct, operate or maintain any septic tank, privy vault, cesspool, evapotranspiration system or other private sewage disposal facility except as provided in this chapter or as approved by the city by permit.

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- B. Where the city wastewater system is not yet available to a property, as defined in Section 13-1-2, subsection R, a private sewage disposal system may operate as long as:
1. The property owner or user operates and maintains the private sewage disposal system in a sanitary manner and in compliance with all city, county and state health and environmental regulations and permits.
 2. The property owner or user designs, constructs, alters or maintains the private sewage disposal system in compliance with all city, county and state standards, regulations, specifications and details, and only after being granted all required permits.
 3. The property owner acknowledges that any permit to construct, alter, improve or operate a private sewage disposal system is only temporary in duration and the property owner agrees to connect to the city wastewater system once it is available, as required by Section 13-5-2.
- C. Once there is sewer availability to a property, no permits shall be issued nor shall work be permitted for construction or alteration of any private sewage disposal system on the property unless it is for connection to the city wastewater system.

Section 13-5-2 (Reserved) (Section Repealed - Ordinance No. 97-19)

Section 13-5-3 Notice of Sewer Availability

The city shall notify all affected property owners or their agents or lessees, as shown on the last assessment of the property, that the city wastewater system is available and that property owners must connect within one hundred eighty days. Such notice shall be given by certified mail to the property owner or agent or lessee, and by publishing the same notice, together with a description of the affected parcels, in not less than two issues of a newspaper of general circulation within the city. The times prescribed in this section shall run from the date of such notice.

Section 13-5-4 Mandatory Connection to City Wastewater System Once Available

- A. Within one hundred eighty days from the date that the director provides notice of sewer availability, as defined in Section 13-1-2, a real property owner with building or water fixtures thereon shall make direct connection to the city wastewater system in accordance with the city design requirements, the adopted

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- Uniform Plumbing Code, as amended, and all applicable state, county and city regulations.
- B. If the sewer availability notice is given to a group of real property owners with private roads as the only access, the property owners shall either build and maintain the proper local wastewater collection system in accordance with the city design requirements or donate an easement at no cost to the city for access to the private roads so that the city will, at the city's expense, extend the city wastewater system to points adjacent to the individual real property.
- C.
1. If the sewer availability notice is given to property owners that are both the users and owners of an existing collector cluster system, the city shall request that the property owners shall pay to the city an administrative processing fee of not less than \$1,000, together with a fee to be set by the city manager to reimburse the city for the cost of inspecting the system. The property owners shall provide to the city an acceptable set of as-built drawings of the system, copies of all applicable permits and copies of all records of inspection, maintenance, repair, expansion and improvement of the system.
 2. If, upon inspection it appears that the physical condition of the system does not meet the standards adopted by city council for sewer connection to the city's wastewater system, then it shall be the responsibility of the property owners to bring the system into compliance with such standards before the city will accept sewer connection to the city's wastewater system.
 3. Once it is determined the cluster system meets city standards, the city shall allow the cluster system to be connected to the city wastewater system only after every property owner in that area has paid or made arrangements to pay the capacity fee pursuant to Section 13-5-7.
- D. If a property owner fails to connect to the city wastewater system within the time limits set forth in subsection A of this section, the city shall assess a monthly environmental penalty charge for every month such property remains unconnected. This charge shall be equal to twice the current monthly service charge for the property in question and shall be due and payable monthly. The city may employ the procedures set forth in Section 13-6-6 and Section 13-6-7 for collection of such environmental penalty charge if not paid when due and payable.
- E. Upon connection to the city wastewater system, any septic, STEP or alternate disposal system shall be pumped and abandoned and either removed or filled in at the owner's expense, in accordance with the adopted Uniform Plumbing Code, as may be amended from time to time, and all local and state laws, rules and regulations. (**Subsection E Amended** - Ordinance No. 98-04.)

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- F. Failure to abandon a septic or other alternate disposal system in accordance with subsection E of this section shall constitute a public nuisance pursuant to city code Section 9-2-2, subsection A. Pursuant to the provisions of Article 1-8(A) of the city code, as amended or as may be amended from time to time, any person found guilty of violating this provision shall be guilty of a class one misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues is a separate offense punishable as set forth herein or by civil sanction.

Section 13-5-5 Permits for Service Connections

Before physical connection is made to the city wastewater system, a permit must be secured from and forty-eight hours notice given to the city. Sewer connection permits shall run with the land and shall not be transferable from one parcel to another parcel or from property to property. All such connections shall be made and all such work done at the expense of the applicant. All connections shall be made under the supervision of the city, and no such connection shall be covered until the work has been inspected and approved by the city. (**Section Amended** - Ordinance 98-18.)

Section 13-5-6 Property Owner and User's Responsibility

When a piece of property is connected to the city's wastewater system, the property owner shall be responsible for all conveyance lines, lift pumps, septic tanks or alternate wastewater treatment systems located on said property.

- A. Where, prior to the amendment of the Wastewater Code on March 11, 1998, (i) there exists a STEP or SDG system already connected to the city wastewater system, or (ii) a STEP or SDG system has been already approved by the city in writing to be connected to the city wastewater system, the property owner, lessee or user of the city wastewater system, at his own expense, shall be responsible for pumping septage or wastewater from his property as required, and for cleaning, unstopping, maintaining and repairing the conveyance sewer from the building or residence up to and including the connection to the city wastewater system in the public right-of-way or utility easement (collectively referred to herein as "Onsite System Maintenance"). If, from time to time, the city wastewater system is modified so as to eliminate the need for a STEP or SDG system, the property owner shall comply with Section 13-5-4 (E) of this Wastewater Code, as may be amended from time to time. Nothing herein shall require the city to provide or be responsible for onsite system maintenance for any STEP or SDG system, unless expressly agreed to by contract or other agreement.
- B. Where there exists a cluster system connected to the city's wastewater system, the individual property owners are responsible as stated in subsection A of this section. If an easement is granted on private roads as the only access and the existing sewer lines comply with the city design requirements and are considered

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acceptable for donation, the city may, at its discretion, accept responsibility for said sewer lines as designated main sewer lines on the city's wastewater system. If an easement is granted for access to existing lift or pump stations that are, or have been brought into compliance with city standards of operation and are considered acceptable for donation, the city may, at its discretion accept responsibility for said stations as part of the city's wastewater system.

- C. Where a cluster system that is to be connected to the city wastewater system is a septic effluent wastewater system (referred to herein as a “cluster system”), the city, in its discretion, may allow septic tanks to remain as an integral component of that system until such time as the cluster system is converted to a raw wastewater collection system. At the time of such conversion to a raw wastewater collection system, all septic tanks in the cluster system shall be pumped and abandoned and either removed or filled in, all at the owner’s expense, in accordance with the adopted Uniform Plumbing Code, as may be amended from time to time, and all local and state laws, rules and regulations. **(Subsection A Amended & Subsection C Added - Ordinance 98-04) (Rev. 08/98)**

Section 13-5-7 Wastewater Fees; Installment Payments for Capacity Fees and Lift Pumps

- A. At the time an application for connection to the city wastewater system is filed with the director and before any permit for connection is granted or any connection is made to the city wastewater system, the property owner shall pay a capacity fee.
- B. The capacity fee and other fees as set forth in the current capacity fee schedule in Section 13-5-11 shall be established by the council, upon recommendation of the city manager. The capacity fee shall be based upon a basic rate multiplied by the number of ERU (equivalent residential units).
1. Single family residential units, including apartments, condominiums or each unit of a multi-unit residential building, shall be considered one ERU.
 2. The ERU for non-residential uses shall be determined by the director based upon occupancy, type of discharge, quantity of discharge and number of fixtures. The director shall establish the necessary procedures, criteria and formulas to determine the appropriate number of ERUs for non-residential uses and such procedures, criteria and formulas shall be approved by the council.
- C. Any person or owner who has been issued a building permit by July 1, 1999, may, upon the effective date of Ordinance No. 99-13, pay the capacity fee due under the current capacity fee schedule for a period of one hundred eighty days.

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Thereafter, the capacity fee charge shall be as set forth in the current capacity fee schedule in Section 13-5-11

- D.
 - 1. Any person or owner who has paid the fee and been issued a connection permit may, prior to notice of availability, request and receive a refund of capacity fees paid. The refund shall be without interest. Thereafter, any application for a connection permit shall be at the then current capacity fee schedule as set forth in Section 13-5-11.
 - 2. A property owner who has been issued a building permit prior to July 1, 1999, but failed to pay the capacity fee within 180 days after the effective date of ordinance 99-13 due to lack of notice or other reasonable excuses may appeal the refusal to accept the former capacity fee schedule amount. Procedure for the appeal shall be as provided in Section 15-5-9. The findings of the hearing officer shall be final. **(Added 10-09-2000 – O2000-09)**
- E. Upon the expiration of the one hundred eighty day period following notice of sewer availability as provided in Section 13-5-3, the capacity fee shall be charged to the property owner whether or not the property owner has connected to the city wastewater system and whether or not any building on the property is currently occupied. If the property owner fails to pay the capacity fee upon notice by the director that such capacity fee is due and owing, the director may proceed with any legal or equitable remedies available.
- F. Prior to the expiration of the one hundred eighty day period following notice of sewer availability as provided in Section 13-5-3, and upon compliance with all other federal, state and local requirements, a property owner may petition the director to establish an installment schedule for payment of the capacity fee. Such installment schedule shall be calculated at the discretion of the director in order to ensure prompt repayment of any and all city indebtedness associated with the operations, maintenance and construction of the city wastewater system.
- G. Payment of the capacity fee shall not guarantee the person or owner connection to the city wastewater system.
- H. The council may adopt a procedure to be utilized for those users who demonstrate financial inability to pay the capacity fee. Said procedure may provide for assistance in seeking financing of capacity fees. Said procedure may include the recordation of a secured lien against the subject real property. A capacity fee assistance committee may be created to process applications for hardship assistance. **(Section Amended - Ordinance 99-13)**

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Section 13-5-8 Charge for Failure to Timely Pay Capacity Fee

In the event the capacity fee is not paid as required by this article, a late charge for failure to timely pay the capacity fee shall be added to the unpaid balance at the rate of one and one-half percent per month on the amount of the unpaid balance. The city may take any action authorized under this chapter for the enforcement of wastewater regulations in order to enforce the payment of any such late charge.

Section 13-5-9 Procedure and Penalties for Failure to Pay Capacity Fee

- A.
 - 1. Upon a determination by the city that a real property owner has failed to pay the mandatory capacity fee required by Section 13-5-7 when wastewater service became available, written notice of said failure to pay shall be mailed to the real property owner.
 - 2. Notice shall be mailed by certified, return receipt requested mail. The notice shall advise the property owner that an objection to the action set forth in the notice of delinquency must be filed in writing within fifteen days of the date the notice was received and that a hearing procedure, as described in the notice of delinquency, is available upon request of the real property owner.
 - 3. The notice shall specify that if a timely objection is not filed, the unpaid capacity fee shall be deemed due and owing and failure to pay shall result in the city pursuing all available means of collection as authorized by this code.
 - 4. The notice shall specify that if a hearing is requested and it is determined as a result of the hearing that the unpaid capacity fee is due and owing, failure to pay shall result in the city pursuing all available means of collection as authorized by this code. (Rev. 8/99)
- B. If the real property owner wishes to file an objection and request a hearing, the owner shall submit any objection to the notice of delinquency in writing within fifteen days of the receipt of the notice of delinquency. The written objection shall include copies of all documents that support the owner's position that there is no delinquency or that no fee is due and owing.
- C. Within ten days of date of receipt of the objection from the property owner, the city shall schedule a hearing date and give written notice to the owner of the scheduled date.
- D.
 - 1. The hearing shall be held by a hearing officer who shall be a non-city employee retained by the city or a city employee that has no involvement with the wastewater or finance department.

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2. The hearing shall be held during regular city business hours.
3. The hearing may be continued one time by the hearing officer upon the written request of either party for good cause.
4.
 - a. The property owner and the city shall each be given an opportunity to present their respective cases. The city shall present its case first and presentation may include:
 - (1) sworn testimony;
 - (2) submission of evidence;
 - (3) presentation of witnesses and
 - (4) cross examination.
 - b. The rules of evidence shall not apply, and the hearing officer may permit any evidence deemed relevant to the issues at hand to be admitted.
5. At the close of the hearing, the city may agree to permit the property owner to participate in the city program which provides for the financing of capacity fees.
6.
 - a. Unless the city agrees to permit the property owner to participate in the financing program, the hearing officer shall render a written decision within thirty days of the close of the hearing.
 - b. The hearing officer may find the following:
 - (1) The property owner does not owe the connection fee and cancel the notice of delinquency; (Rev 09/95)
 - (2) The property owner does owe the connection fee as noticed by the city and order that it be paid within fifteen days of receipt of the order;
 - (3) A different (lesser) amount than that which was noticed is owed by the property owner and order that amount to be paid within fifteen days from receipt of the order.
 - c. The hearing officer's order shall be mailed to the property owner by certified, return receipt requested mail.
 - d. If the property owner fails to appear at the scheduled hearing, the hearing officer shall enter an order directing the property owner to pay the delinquent connection fee as set forth in the notice of delinquency.

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- e. The hearing shall be recorded by an electronic recording device.
- E. The city may use all available means to collect a delinquent capacity fee, including the following:
 - 1. Report the delinquency to credit bureaus.
 - 2. Record in the official land records of the county in which the subject real property is located, a Notice of Delinquency, which Notice shall not constitute a lien against said real property.
 - 3. Referral to a collection agency or service, which collection agency or service may report the delinquency to credit bureaus and take all legal actions necessary to collect the debt including filing suit on the debt and, upon obtaining a judgment against the debtor, pursue garnishment, execution, recordation of a judgment lien against the property and foreclosure.
 - 4. Direct the city attorney to file suit in the appropriate court and, upon obtaining a judgment against the debtor, pursue garnishment, execution, recordation of a judgment lien against the property and foreclosure.

Section 13-5-10 Dry Sewers

- A. When the city wastewater system is not yet available to serve a new subdivision, the subdivider shall install sewage disposal facilities to serve each lot in conformance with the requirements of the Arizona Department of Environmental Quality (ADEQ) and shall be subject to the approval of the appropriate health authorities. In addition, the subdivider shall install "dry" main sewers with laterals to the property line of each parcel. The "dry" main sewers with laterals will be specified and installed so as to be capable of accepting raw sewage. At such time there is sewer availability with the city wastewater system, the city will accept "raw sewage" only.
- B. When the city wastewater system becomes available, the subdivision must be connected thereto and the owner shall within six months of connection to the city wastewater system, disable and abandon septic tanks, effluent lines and any common leach field or wastewater treatment facility in accordance with Arizona Department of Environmental Quality (ADEQ) regulations existing at the time. Any salvage value shall accrue to the owner, and all costs associated with the removal of wastewater treatment facilities, or the reclamation of the land, shall be borne by the owner. Re-use of land previously occupied by such wastewater disposal system shall be subject to all applicable federal, state and local regulations. Abandonment of on-site disposal systems shall conform to ADEQ regulations.

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Section 13-5-11 Current Capacity Fee Schedule

There is hereby established the following capacity fee schedule:

For Fiscal Year 1999-00	\$4,200 per ERU
For Fiscal Year 2000-01	\$4,275 per ERU
For Fiscal Year 2001-02	\$4,350 per ERU
For Fiscal Year 2002-03	\$4,425 per ERU
For Fiscal Year 2003-04	\$4,500 per ERU
For Fiscal Year 2004-05	\$4,600 per ERU
For Fiscal Year 2005-06	\$4,700 per ERU
For Fiscal Year 2006-07	\$4,775 per ERU
For Fiscal Year 2007-08	\$4,900 per ERU
For Fiscal Year 2008-09	\$5,025 per ERU
For Fiscal Year 2009-10	\$5,150 per ERU
For Fiscal Year 2010-11	\$5,325 per ERU
For Fiscal Year 2011-12	\$5,475 per ERU
For Fiscal Year 2012-13	\$5,675 per ERU
For Fiscal Year 2013-14	\$5,900 per ERU
For Fiscal Year 2014-15	\$5,950 per ERU
For Fiscal Year 2015-16	\$6,000 per ERU
For Fiscal Year 2016-17	\$6,100 per ERU
For Fiscal Year 2017-18	\$6,150 per ERU
For Fiscal Year 2018-19	\$6,200 per ERU
For Fiscal Year 2019-20	\$6,275 per ERU
For Fiscal Year 2020-21	\$6,325 per ERU
For Fiscal Year 2021-22	\$6,350 per ERU
For Fiscal Year 2022-23	\$6,375 per ERU
For Fiscal Year 2023-24	\$6,375 per ERU
For Fiscal Year 2024-25	\$6,400 per ERU
For Fiscal Year 2025-26	\$6,400 per ERU
For Fiscal Year 2026-27	\$6,475 per ERU

(Section 13-5-11 added by Ordinance 99-13)

ARTICLE 13-6 MONTHLY SERVICE CHARGE

13-6-1	Monthly Service Charge Established
13-6-2	Calculation of Monthly Service Charge Amount
13-6-3	Billing for Monthly Service
13-6-4	Person Responsible for Payment
13-6-5	Charge for Failure to Timely Pay Monthly Service Charge
13-6-6	Procedures and Remedies for Failure to Timely Pay Monthly Service Charge
13-6-7	Enforcement by Lien of Wastewater Monthly Service Charge

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Section 13-6-1 Monthly Service Charge Established

The council shall regulate and change the monthly service charges as necessary to meet the obligations of the city for the city wastewater system. Any increase in monthly wastewater service charges shall follow the procedure set forth in A.R.S. §9-511.01, as amended from time to time. Said procedure shall include: preparation of a written report filed in the office of the city clerk thirty days prior to the public hearing; adoption of a notice of intention to increase wastewater rates and setting a public hearing at least thirty days after adoption of the notice of intention; publication of the notice of intention at least twenty days before the hearing; holding a public hearing and adoption of the rate change by resolution or ordinance, to be effective thirty days after adoption. Service charges shall begin at the time of connection to the system. Users shall be billed monthly thereafter, whether or not the building is occupied.

Section 13-6-2 Calculation of Monthly Service Charge Amount

The charge for each connection shall be the number of ERUs assessed to that connection times the basic rate for one ERU. Residences, apartments, condominiums or each unit of a multi-unit residential building shall be one ERU. The number of ERUs for a non-single-family residential connection shall be established by the director in accordance with subsection B, paragraph 2 of Section 13-5-7. (Rev. 8/99)

Section 13-6-3 Billing for Monthly Service

All charges for wastewater collection and treatment service are payable by the fifteenth day of the month following the month, pursuant to Section 1-3-12, for which charges are made.

Section 13-6-4 Person Responsible for Payment

The monthly service charge or any other fees herein established shall be collected from the property owner, or from the users of the premises which are connected to the city wastewater system, or from other users of the system such as septage haulers. Such monthly service charge and any other fees established by this chapter shall run with the land to which such charges and fees relate.

Section 13-6-5 Charge for Failure to Timely Pay Monthly Service Charge

In the event the monthly service charge is not paid as required by this article, a late charge for failure to timely pay the monthly service charge shall be added to the unpaid balance at the rate of two dollars and fifty cents per over-due payment plus one percent per month on the amount of the unpaid balance. The city may take any action authorized under this chapter for the enforcement of wastewater regulations in order to enforce the payment of any such late charge.

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Section 13-6-6 Procedure and Remedies for Failure to Timely Pay Monthly Service Charge

- A. A monthly service charge for wastewater collection and treatment shall be delinquent if not paid within thirty days after the bill is issued.
- B.
 - 1. A notice of delinquency shall be mailed certified, return receipt requested, to the property owner and the occupant of the premises or other users of the city wastewater system.
 - 2. The notice of delinquency shall include the following information:
 - a.
 - (1) An objection to the notice of delinquency must be filed in writing within fifteen days of the date of receipt of the notice.
 - (2) Said objection must be accompanied by copies of all documents that support the owner, occupant or user's position that there is no delinquency.
 - b. If an objection is not filed within fifteen days of receipt of the notice, the delinquent service charge shall be deemed due and owing and appropriate collection action or disconnection from the city wastewater system shall be instituted by the city.
 - c. A hearing on the notice of delinquency is available.
 - d. The hearing shall be conducted before a hearing officer, evidence may be submitted and witnesses may be called.
 - e. If the hearing officer finds in favor of the city and the property owner, occupant or user does not pay the delinquent fees, the hearing officer's order may be enforced by referral to a collection agency, a court action seeking a judgment, disconnection from the city wastewater system or a combination of any of these remedies.
- C. Within ten days of the receipt of the objection from the property owner, occupant or other user, the city shall schedule a hearing date.
- D. The procedure set forth in Section 13-5-9 (D) and (E) shall apply in relation to the hearing itself and enforcement of the hearing officer's order. In addition to the rulings, the hearing officer may make as provided for in Section 13-5-9 (D)5 b, the hearing officer may also order disconnection of the property from the city wastewater system.

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Section 13-6-7 Enforcement by Lien of Wastewater Monthly Service Charge

Notwithstanding any term, clause or section in this Article, pursuant to A.R.S. §9-511.02, in the event the monthly service charge for wastewater collection and treatment for a given property becomes delinquent for more than ninety days, the city may file a lien upon said property for which sewer service is provided for such nonpayment of monthly charges.

- A. Prior to filing such lien, the city shall comply with the following procedures:
1. The owner of record of the subject property shall be given written notice of the city's intention to file a lien not less than thirty days prior to filing said lien. The notice shall be hand delivered or mailed by certified mail at said owner's last known address or to the address at which the tax bill for the property was last mailed. If the owner does not reside at such property, the notice shall be sent to him at his last known address.
 2. The notice shall inform the property owner that he has the opportunity for a hearing regarding the delinquency before a designated city official.
 3. In the event the property owner requests a hearing, such request must be received not later than fifteen days from the date of the notice. The request for hearing shall include copies of all documents that support the owner's position that there is no delinquency or that the amount claimed delinquent by the city is in error. A hearing shall be scheduled and held not later than ten days following a request for a hearing by a property owner. The property owner shall be notified in writing of the time and date of the hearing.
 4. The procedures set forth in paragraphs 1 through 6, inclusive, of subsection D of Section 13-5-9 shall apply and govern the hearing process, except as amended herein:
 - a. The hearing officer shall render a decision at the close of the hearing, which decision shall be binding and final on all parties. The record of the hearing and the decision by the hearing officer shall be filed with the city clerk.
 - b. The hearing officer may find the following:
 - (1) The property owner does not owe the delinquent amount and the notice of delinquency shall be canceled;
 - (2) The property owner does owe the delinquent amount as noticed by the city and order that said amount be paid within five days of the hearing date; or

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- (3) A different (lesser) amount than that which was noticed by the city is owed and delinquent and order that amount be paid within five days of the hearing date.
- 5. In the event no hearing is requested by the property owner, or in the event payment is not made on a delinquent amount as determined by a hearing officer after a hearing, the city may place a lien on the property in accordance with this Section.
- B. Any lien placed on a property pursuant to this Section shall be enforceable pursuant to and in accordance with A.R.S. §9-511.02.
- C. This Section shall become effective August 1, 1997, provided, however, that any wastewater monthly charge which is delinquent on such effective date shall be subject to the terms and provisions of this Section, and the number of days that such charge is delinquent prior to August 1, 1997 shall count toward the ninety day period, upon the conclusion of which the city may file a lien.

ARTICLE 13-7 PROHIBITED DISCHARGES; INSPECTIONS; REMEDIES FOR VIOLATIONS

- 13-7-1 Unsanitary Disposal Prohibited
- 13-7-2 Treatment of Polluted Wastes Required
- 13-7-3 Prohibited Discharges and Discharge Limitations
- 13-7-4 Authority of the City to Establish Permissible Limits and Impose Charges
- 13-7-5 Preliminary Treatment
- 13-7-6 Surcharge for Excessive-Strength Wastewater Interceptors
- 13-7-7 Interceptors
- 13-7-8 Monitoring Manholes
- 13-7-9 Discharges to be Reported; Accidental Discharges; Tests and Analyses
- 13-7-10 Inspections
- 13-7-11 Violations
- 13-7-12 Damage to Wastewater System Prohibited
- 13-7-13 Remedies

Section 13-7-1 Unsanitary Disposal Prohibited

It is unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon or under any public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, septage or other objectionable waste, pursuant to Section 9-2-2, subsection I.

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Section 13-7-2 Treatment of Polluted Wastes Required

It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage, industrial wastes or other polluted waters or wastewaters, except where suitable treatment has been provided in accordance with provisions of this chapter.

Section 13-7-3 Prohibited Discharges and Discharge Limitations

Federal or state discharge standards shall apply unless the city standards or ordinances are more restrictive. It is unlawful for any person to discharge or cause to be discharged to the city wastewater system the following:

- A. Any storm water, surface water, groundwater, roof runoff, swimming pool or surface drainage that may constitute inflow.
- B. Pollutants which create a fire or explosion hazard to the city wastewater system, such as gasoline, benzene, fuel oil or any petroleum products or volatile liquids.
- C. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the city wastewater system or other interference or damage with the collection system or treatment plant, such as grease, fatty material, offal, garbage, stone dust, sand, dirt, gravel, sawdust, metal filings or broken glass.
- D. Any waters or wastes containing a toxic, radioactive, poisonous or other substances in sufficient quantity to injure or interfere with any wastewater treatment process, cause corrosive structural damage, constitute a hazard to humans or create any hazard to the city wastewater system or in the receiving waters of the wastewater treatment plant.
- E. Any waters with a pH less than 5.5 or greater than 9.5.
- F. Any water or waste that could cause a violation of any categorical standard or pretreatment requirement or of any other prohibition or limitation required by federal or state law.
- G. Any water or waste that has in any way been diluted as a substitute for pretreatment for the purpose of obtaining compliance with any categorical standard or pretreatment requirement imposed by this chapter except where dilution is expressly authorized by any categorical standard.
- H. Any water or waste that is transported from the point of discharge for discharge to the city wastewater system by any septage hauler or similarly transported waste unless the transporter has first:

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1. Disclosed to the director the origin, nature, concentration and volume of all pollutants to be discharged.
 2. Obtained the consent of the director to discharge.
- I. Any water or waste which could cause interference with the city wastewater system operations.

Section 13-7-4 Authority of the City to Establish Permissible Limits and Impose Charges

In addition to the discharge limitations contained herein, the council shall have the authority to establish quantity of discharges and permissible limits of concentration of various specific substances, materials, waters or wastes that can be accepted into the city wastewater system and to specify those substances, materials, waters or wastes that are prohibited from entering the city wastewater system. Each permissible limit so established shall be placed on file with the city clerk as a public record.

Section 13-7-5 Preliminary Treatment

- A. Where necessary in the opinion of the director, any user of the city wastewater system shall provide, at his own expense, such preliminary treatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits provided for in this article. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director. No construction of such facilities shall be commenced until the director's approval has been obtained in writing. The completed facilities shall not be placed in service until they have been inspected for conformance to the approved plans and the final construction approved by the director. The approval of the plans and inspection of construction shall not relieve the owner from complying with discharge limitations set forth in this chapter.
- B. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 13-7-6 Surcharge for Excessive-Strength Wastewater

If, after analysis by the director of the wastewater to be discharged by a commercial or industrial entity where pretreatment to the degree required is not provided by the user, the director determines that the city can treat the excessive strength of the wastewater only by special construction, operation or maintenance of the city wastewater system, then a surcharge shall be imposed upon any such user of the system. The director may accept such excessive strength wastewater upon such conditions and for such period of time as shall be reasonable considering the other requirements of the city.

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Section 13-7-7 Interceptors

- A. Grease, oil or sand interceptors shall be provided by laundries, restaurants, service stations, auto repair shops, car washes and other facilities when, in the opinion of the director, the interceptors are necessary for the proper handling of liquid wastes containing grease or oil or any flammable wastes, sand and other harmful ingredients. No residential garage floor drain shall be connected to the city wastewater system.
- B. All interceptors shall be of a type and capacity approved by the director and shall be located as to be readily and easily accessible for cleaning and for inspection by the director.
- C. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers. When bolted covers are required, they shall be gas-tight and watertight.
- D. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- E. Grease and oil, flammable wastes, sand and other harmful ingredients from such interceptors ("interceptor wastes") shall be disposed of, in accordance with all state and local regulations, at the expense of the owner. The city has no obligation to accept interceptor wastes from within or without the city limits for handling and disposal. Interceptor wastes from within the city may, however be accepted by the city in accordance with policy approved by the council and for fees set by the city manager commensurate with all city expenses for the handling and disposal of such wastes, including the city's administrative costs.

Section 13-7-8 Monitoring Manholes

When required by the director, the owner of any property served by a building sewer carrying potentially harmful or industrial wastes shall install a suitable monitoring manhole in the building sewer to facilitate observation, measurement and sampling of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the director. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 13-7-9 Discharges to be Reported: Accidental Discharges; Tests and Analyses

Every user of the city wastewater system shall report to the director immediately any accident, negligent act or other occurrence that occasions a discharge to the city wastewater system of any wastes or process waters that exceed the permissible limits for

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such wastes established by the city. All tests and analyses of the characteristics of waters and wastes shall be determined in accordance with the standards on file with the director.

Section 13-7-10 Inspections

Any employee authorized by the director, upon presentation of credentials, shall have free access at all reasonable hours to any commercial or industrial premises connected to the city wastewater system for the purpose of making an inspection of the premises to determine the nature and quantity of wastes discharged to the city wastewater system.

Section 13-7-11 Violations

- A. If any person discharges sewage, industrial wastes or other wastes into the city wastewater system contrary to the provisions of this article, federal or state pretreatment requirements or any order of the director, the city attorney, subject to approval by the council, may commence an action for appropriate legal and equitable relief in the superior court of the appropriate county.
- B. All other penalties herein notwithstanding, it is unlawful for any person, whether principal, owner, agent or tenant, to unlawfully violate, disobey, omit or refuse to comply with or to resist the enforcement of any of the provisions of this chapter.
- C. In addition, the director may refuse service to and disconnect any user who fails to comply with any of the provisions of this chapter.
- D. Discontinuance of wastewater services shall not occur until the noncomplying person, industry or business has been notified that it is not in compliance with this chapter and has been given a reasonable time in which to come into compliance. The director may immediately halt service with no notice to the user when the director determines that such action is necessary to prevent a discharge of pollutants which represents an imminent danger to the public health, safety or welfare.

Section 13-7-12 Damage to Wastewater System Prohibited

No person shall knowingly or intentionally break, damage, destroy, deface or tamper with any part of the city wastewater system.

Section 13-7-13 Remedies

- A. In addition to any criminal fine which may be imposed for violation of any provision of this chapter, any person shall be liable for all charges which may be assessed by the city on any user of the city wastewater system who discharges wastes containing impermissible quantities of prohibited substances into the city wastewater system. The director may assess charges based on the costs incurred by the city in surveillance, sampling and testing of the discharges, for additional

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operating and maintenance expenses, or for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of wastes, plus overhead charges.

- B. The director may discontinue wastewater collection or treatment service to a premises for any of the following reasons:
 - 1. Failure to pay a charge assessed by the director for unauthorized discharges.
 - 2. Failure to correct an unauthorized discharge as required by the director.
 - 3. Discharging any unauthorized substances, materials, water or waste as prohibited by federal, state or local regulation.
- C.
 - 1. Before disconnecting the property from the city wastewater system, the city shall provide written notice, by certified, return receipt requested mail, to the violator of the pending disconnection, and the city shall follow the procedure set forth in Section 13-5-9 for setting a hearing.
 - 2. However, if the discharge is a threat to the public health, safety or welfare, the city may initiate an enforcement action without giving notice.
- D. Upon notice of the final determination by the director of an assessment or order to correct an unauthorized discharge, the responsible party shall tender the amount assessed within ten days of the date ordered and discontinue the unauthorized discharge as ordered by the director. In the event the unauthorized discharge is not corrected or the assessment is not tendered, continued operation resulting in a discharge is unlawful, and the discharge will be a public nuisance which may be abated by order of a court of competent jurisdiction. This remedy shall be in addition to any other remedy.

ARTICLE 13-8 LICENSE OF SEPTAGE HAULERS; REPORTING REQUIREMENTS

- 13-8-1 License Required
- 13-8-2 Monthly Reporting Required
- 13-8-3 Acceptance of Septage
- 13-8-4 Additional Requirements
- 13-8-5 Illegal Discharge of Septage Prohibited

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Section 13-8-1 License Required

All persons hauling septage within city limits are required to be licensed by the director, in addition to any other licensure, in order to ensure the health, safety and welfare of the citizens of the city.

Section 13-8-2 Monthly Reporting Required

All septage haulers shall report to the director all pumping within city limits during the prior calendar month by the fifteenth day of the month following on a form provided by the director. The report shall include the name of the owner or lessee or operator of each system as well as the business address and the address of the site pumped. The report shall include the amount of septage pumped at each site. The report shall also include the date, the location where each truckload of septage was dumped and the amount of septage dumped.

(Rev. 09/95)

Section 13-8-3 Acceptance of Septage

- A. The city has no obligation to accept septage pumped from without the city limits for treatment and disposal. In the event there is sufficient treatment and disposal capacity in the city wastewater system, the city may enter into agreements to accept septage pumped from without the city limits, and charge fees for the acceptance, treatment and disposal of such septage as may be established by the city manager.
- B. The city will accept septage pumped from within the city limits as may be authorized under state and local regulation, the permits for the city wastewater system and any federal or state consent order or judgment. The city manager shall establish and charge fees for the acceptance, handling, treatment and disposal of such septage commensurate with the costs to the city, including administrative costs.

Section 13-8-4 Additional Requirements

Septage haulers shall also meet the following requirements:

- A. Septage haulers shall keep the discharge area at the treatment plant neat and clean and shall be responsible for cleaning any spillage resulting from the hauling and discharging of septage wastes. The name and place of business shall be located on each side of the vehicle in clear view.
- B. A violation of the requirements in subsection A of this section for a licensed hauler shall mean an automatic thirty day suspension of the hauler's license, following opportunity for hearing and appeal. Any costs to the city as a result of a hauler's negligence shall be borne by the hauler.

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Section 13-8-5 Illegal Discharge of Septage Prohibited

Any person discharging septage from a commercial vehicle to the city wastewater system without a license or permit shall, upon conviction, be fined not less than five hundred dollars plus costs incurred by the city as a result of disrupting the normal operations of the treatment facility. Septage haulers who discharge illegally shall be subject to the penalties and the remedies for illegal discharge available to the city pursuant to Article 13-7.

ARTICLE 13-9 ENVIRONMENTAL NUISANCES DEFINED; ABATEMENT; PENALTY

13-9-1	Environmental Nuisances Defined
13-9-2	Environmental Nuisances Prohibited
13-9-3	Unsanitary Condition of Private Sewage Disposal System Prohibited
13-9-4	Enforcement
13-9-5	Abatement of an Environmental Nuisance or of an Unsanitary Condition of a Sewage Disposal System
13-9-6	Penalty for Violation

Section 13-9-1 Environmental Nuisances Defined

In addition to the public nuisances defined by this code, ordinance or state law, the following specific acts, omissions and conditions in or upon any private lot, building, structure or premise, or in or upon any public right-of-way, street, avenue, alley, park, parkway or other public or private place in the city, are hereby declared to be, among others, environmental nuisances which endanger the public health and safety:

- A. Any condition or place in populous areas which constitutes a breeding place for flies, rodents, mosquitoes and other insects which are capable of carrying and transmitting disease-causing organisms to any person or persons.
- B. All sewage, human excreta, wastewater, garbage or other organic wastes deposited, stored, discharged or exposed so as to be a potential instrument or medium in the transmission of disease to or between any person or persons.
- C. Any sewage disposal system which is operated or maintained in such a manner that there is a reasonable probability that the public health and safety could be endangered.
- D. The maintenance of any overflowing septic tank or cesspool, the contents of which may be accessible to flies.

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- E. Any surfacing of leach field or evapotranspiration bed effluent which fails to properly contain effluent irrigation or aerosol disposal within the property of origin.
- F. The use of the contents of privies, cesspools, septic tanks or other sewage disposal systems or the construction, maintenance or operation of sewage disposal systems that use sewage or sewage effluent for fertilizing or irrigation purposes for crops or gardens except with the specific approval of and in the manner authorized by the Arizona Department of Environmental Quality.
- G. Any vehicle or container used in the transportation of garbage, human excreta or other organic material which is defective and allows leakage or spillage of contents.
- H. The pollution or contamination of any waters within the city.
- I. Water, other than that used by irrigation, industrial or similar systems for nonpotable purposes, sold to the public, distributed to the public or used in production, processing, storing, handling, servicing or transportation of food and drink which is unwholesome, poisonous or contains deleterious or foreign substances or filth or disease-causing substances or organisms.

Section 13-9-2 Environmental Nuisances Prohibited

It is unlawful for any person to cause, permit, maintain or allow the creation or maintenance of an environmental nuisance or any unsanitary condition involving wastes or wastewater treatment or disposal which endangers the public health and safety.

Section 13-9-3 Unsanitary Condition of Private Sewage Disposal System Prohibited

It is unlawful for any person to construct, operate or maintain a private sewage disposal system in an unsanitary manner or in any manner not in compliance with all city, county, state and federal standards.

Section 13-9-4 Enforcement

The city may file, as provided by law, a civil and/or a criminal action to abate or otherwise resolve an environmental or other public nuisance.

Section 13-9-5 Abatement of an Environmental Nuisance or of an Unsanitary Condition of a Sewage Disposal System

- A. Any public or environmental nuisance committed under this chapter may be abated in any manner provided by law.

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- B. In the event that an unsanitary condition is deemed to constitute an environmental nuisance and after issuance of a warrant by a superior court judge or a justice of the peace, an employee of the office, acting as the environmental agency of the city, and accompanied by the chief of police or other peace officer, may enter private property between the hours of sunrise and sunset to examine and to abate the nuisance, as provided by law.
- C. If an environmental nuisance exists on private property, the office, acting as the environmental agency, may order the owner or occupant to remove the nuisance within twenty-four hours at the expense of the owner or occupant. The order may be given to the owner or occupant personally or left at the residence of the owner or occupant. If the owner or occupant fails or refuses to comply with the order, the director shall cause the nuisance to be removed, and the owner, occupant or other person who caused the nuisance shall pay the expenses of removal.
- D. The person who commits, continues, permits or allows such prohibited condition shall bear all reasonable and necessary costs and charges for removal or abatement of the prohibited condition, including, but not limited to, the costs of pumping charges, materials and equipment, labor costs and any costs for attorneys' fees.

Section 13-9-6 Penalty for Violation

Penalties for violation of this chapter shall be punishable as provided in Article 1-8, except violations relating to nonpayment of delinquent fees and charges shall not be subject to prosecution as a misdemeanor.

ARTICLE 13-10 GREASE CONTROL

13-10-1	Definitions
13-10-2	Purpose
13-10-3	Requirements
13-10-4	Permits
13-10-5	Monitoring Requirements
13-10-6	Reporting Requirements
13-10-7	Surcharges for Excessive Strength Discharge
13-10-8	Mixed Loads
13-10-9	Penalty for Violations

Section 13-10-1 Definitions

- A. “BOD” - Biochemical oxygen demand is an analytical test that indicates the strength of wastewater by measuring the amount of oxygen in parts per million (ppm) required to stabilize organic compounds.

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- B. “Effluent” - Wastewater discharged or leaving a treatment unit or treatment process.
- C. “Influent” - Wastewater entering a treatment unit or treatment process.
- D. “Grease and oil analysis” - An analytical test used to measure the amount of grease and oil in parts per million (ppm) present in wastewater.
- E. “Grease interceptor” - A grease collecting device that is larger than a grease trap regarding flowrate and capacity. The interceptor discharges directly into the wastewater system preventing grease from entering the wastewater system by means of baffling.
- F. “Grease trap” - A grease collecting device normally with less than a fifty-one gallons per minute (gpm) flowrate with a capacity of forty gallons of water, the placement of which is downstream of a sink but upstream of the wastewater system.
- G. “Mixed loads” - Combined septage tanker loads as a result of pumping grease interceptors and septic tanks into the same septage tanker.
- H. “TSS” - Total Suspended Solids is an analytical test that measures the presence of solids in parts per million (ppm) within a sample of wastewater.

Section 13-10-2 Purpose

The purpose of this article is to set forth uniform requirements for controlling the discharge of grease, oil and fat from food preparation or food handling facilities, grease traps or grease interceptors, commercial grease trap or grease interceptor pumpers and haulers and grease receiving and grease treatment facilities. The objectives of these requirements are:

- A. To prevent the introduction of excessive amounts of fats, oil and grease into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge and preventing its potential reuse as a marketable product.
- B. To allow for the normal flow of sewage in the wastewater system and prevent logging and blocking of the city's wastewater lines creating the potential of backups and flooding.
- C. To provide the authority to recover the costs incurred in cleaning and maintaining sewer lines, disposing of clogs and blockages and any costs incurred by the damage resulting from flooding of residential and commercial property.

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- D. To provide the authority to collect surcharges, and other costs incurred in the monitoring of these facilities and treating excessive strength discharges as described in Section 13-7-6.
- E. To establish a permitting program for regulating food preparation and food handling facilities and grease trap receiving and treatment facilities.
- F. To establish a manifest system to track proper pumping and cleaning of grease traps and grease interceptors and disposal of grease trap waste.
- G. To establish a policy for controlling grease, oil and fat entering the city's wastewater treatment facility in septage tankers as combined loads.

Section 13-10-3 Requirements

All food preparation and food handling facilities connected to the wastewater system shall install a grease trap or grease interceptor consistent with the provisions of the Uniform Plumbing Code as amended by this code. The city shall review the design and installation of food preparation and handling facility grease traps and grease interceptors. The design and installation of such traps and interceptors shall conform to all applicable statutes, codes, ordinances, regulations and laws. Any food preparation or food handling facility responsible for the discharge of grease trap or interceptor wastewater must provide and maintain traps or interceptors in an effective operating condition at all times at its own expense.

- A. It shall be the responsibility of the owner and operator of any food preparation or handling facility to provide regular maintenance of grease traps and interceptors. Should current maintenance practices prove ineffective by evidence of analytical test data or reoccurring maintenance problems within the city's wastewater collection system, an alternative method of maintenance shall be required by the city.
- B. A food preparation or food handling facility with a seating capacity of up to one hundred persons shall install a grease interceptor with a minimum one thousand gallon holding capacity. Owners of facilities requiring larger interceptors or traps shall contact the city to determine the appropriate size required.
- C. Authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter any food preparation or food handling facility and grease receiving or treatment facility for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

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Section 13-10-4 Permits

- A. Permit Application. Any existing food preparation or food handling facility currently discharging into the city's wastewater system and any new food preparation or food handling facility or grease receiving or treatment facility proposing to discharge, shall submit a discharge permit application to the city for approval. After approval of the discharge permit application, the city shall issue a permit to discharge grease trap or interceptor wastewater into the city's wastewater system.
- B. Permit. It shall be unlawful for any food preparation or food handling facility and grease receiving or treatment facility to discharge grease trap or interceptor wastewater into the city's wastewater system without first obtaining a discharge permit.
- C. Permit Modification. The terms and conditions of the discharge permit shall be subject to modification by the city during the term of the permit as limitations or requirements are identified or modified, or for any other just cause.
- D. Permit Limitations for Wastewater Discharge. Wastewater discharged from grease traps or grease interceptors shall not exceed one hundred milligrams per liter (mg/l) for total suspended solids (TSS), one hundred milligrams per liter (mg/l) for biochemical oxygen demand (BOD) and one hundred milligrams per liter (mg/l) for oil and grease.

Section 13-10-5 Monitoring Requirements

- A. All food preparation and food handling facilities shall provide a four inch clean-out on the effluent side of the grease trap or grease interceptor or kitchen wastewater discharge line for sampling purposes. The owners or operators of those facilities needing to install such a device shall contact the city.
- B. The city wastewater inspector may sample wastewater discharged from a grease trap or grease interceptor when noncompliance with this article is suspected. If the analytical testing indicates a violation of the TSS and BOD limitation, the permitted food preparation or food handling or grease receiving or grease treatment facilities shall be responsible for the cost of analytical testing and subject to payment of surcharges and fines as specified herein.
- C. Where violations of discharge permit limitations have occurred, the frequency for additional sampling and testing shall be determined by the director of wastewater management.
- D. Grease receiving or grease treatment facilities:

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1. There shall be no discharge of floating solids or visible foam in other than trace amounts from grease receiving or treatment facilities.
2. Samples taken in compliance with the monitoring requirement specified in this section shall be taken at the discharge point from the final treatment unit.

Section 13-10-6 Reporting Requirements

- A. All permitted food preparation or food handling facilities and grease receiving or grease treatment facilities shall submit copies of analytical test data to the director of wastewater management or a designee if required as a result of current or previous discharge permit violations for wastewater discharge.
- B. It shall be the responsibility of the owner of any food preparation or food handling facility to have a completed copy of the most recent grease trap or grease interceptor waste manifest available to the city at the time of a wastewater inspection. Failure to submit a waste manifest at time of wastewater inspection is a violation of this article.
- C. A completed grease trap or grease interceptor waste manifest shall include the following information:
 1. Name and address of person, company or other legal entity pumping and transporting grease trap or grease interceptor waste.
 2. Number of gallons pumped from grease trap or grease interceptor.
 3. Holding capacity of pumper truck.
 4. Name and address of person, company or other legal entity receiving grease trap or grease interceptor waste.
 5. Dates showing when grease trap or grease interceptor was pumped and delivered to final disposal site.
 6. Waste manifest number.
 7. The signatures of the owner or agent of the food preparation or food handling facility, owner or agent of pumper and the person receiving the waste shall be placed on the manifest.

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Section 13-10-7 Surcharges for Excessive Strength Discharge

Food preparation or food handling facilities and grease receiving or grease treatment facilities that discharge excessive strength BOD and TSS shall be charged a surcharge of two hundred fifty dollars per day until such time that the strength of discharge is no longer determined to be excessive, in addition to the penalty provided in Article 1-8 of this code.

Section 13-10-8 Mixed Loads

Any septage hauler who brings mixed loads into the city wastewater treatment facility for septage processing shall be subject to prosecution as provided below and may be prohibited from bringing future septage loads into the wastewater facility for processing.

Section 13-10-9 Penalty for Violations

Penalties for violation of this chapter, including the provisions provided for herein, shall be punishable as provided in Article 1-8 of this code.